

REMARKS

Claims 1-30 are pending in the above-identified application. Claims 15-29 have been withdrawn from consideration by the filing of the Response to Restriction Requirement on July 21, 2006. The Examiner has allowed claims 4-6 and rejected claims 1-3, 7-14, and 30. Applicant hereby amends claims 1, 7, and 30.

Claim Rejections Under 35 U.S.C. 112

The Examiner rejected claim 7 under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement. For the purposes of furthering prosecution, Applicant has amended claim 7 to recite a “softkey” in place of all instances of “key,” as suggested by the Examiner. Applicant submits that the specification does not preclude any switch that triggers the taking of data. Applicant respectfully requests that the Examiner withdraw the rejection of claim 7 under 35 U.S.C. § 112.

Claim Rejections Under 35 U.S.C. 103(a)

The Examiner rejected claims 1, 3, 7, 9-14, and 30 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,714,885 to Lulham (“Lulham”) in view of U.S. Patent No. 5,574,376 to Topp et al. (“Topp”).

With this response, Applicant has amended claim 1 to include “wherein generating test values includes: amplifying signals from the first antenna coil and the second antenna coil to produce amplified signals; filtering the amplified signals to produce filtered signals; and digitizing the filtered signals to produce test values.” As the Examiner states in the Office Action, “the prior art does not teach or render obvious wherein generating test values . . . includes filtering the amplified signals and digitizing the filtered signals to produce the test values” (P. 6, Office Action). Therefore, Applicant respectfully submits that claim 1, as amended, is allowable over the prior art. Claims 3, 7, and 9-14 depend from claim 1 and are

therefore also allowable for at least the same reasons as claim 1. Independent claim 30 has been amended to include a similar limitation as described above with reference to claim 1, and is therefore also allowable.

The Examiner rejected claim 2 under 35 U.S.C. § 103(a) as allegedly unpatentable over Lulham in view of Topp as applied to claim 1, in further view of U.S. Patent No. 5,539,323 to Davis, Jr. (“Davis, Jr.”). Claim 2 depends from claim 1, which, as discussed above, has been amended to include at least one limitation that, as the Examiner admits, is not taught or rendered obvious by the prior art. Davis, Jr. fails to cure this defect because Davis, Jr. fails to teach or disclose at least “wherein generating test values includes . . . filtering the amplified signals to produce filtered signals; and digitizing the filtered signals to produce test values.” Therefore, Applicants respectfully submit that claim 2 is allowable over the prior art.

The Examiner rejected claim 8 under 35 U.S.C. 103(a) as being unpatentable over Lulham and Topp as applied to claim 1, in further view of U.S. Publication No. 2003/0010494 to Bose et al. (“Bose”). Claim 8 depends from claim 1, which, as discussed above, has been amended to include at least one limitation the Examiner admits is not taught or rendered obvious by the prior art. Bose fails to cure this defect because Bose fails to teach or disclose at least “wherein generating test values includes . . . filtering the amplified signals to produce filtered signals; and digitizing the filtered signals to produce test values.” Therefore, Applicants respectfully submit that claim 8 is allowable over the prior art.

In accordance with the remarks above, Applicant respectfully submits that after entry of this amendment, claims 1–3, 7–14, and 30 are allowable over the Examiner’s rejections and requests that the Examiner withdraw his rejections of those claims under 35 U.S.C. § 103.

Allowable Subject Matter

The Examiner has allowed claims 4-6, for which the Applicant thanks the Examiner.

Conclusion

Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 be entered by the Examiner, placing claims 1-3, 7-14, and 30 in condition for allowance. Applicant submits that the proposed amendments of claims 1-3, 7-14, and 30 do not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner, since all of the elements and their relationships claimed were either earlier claimed or inherent in the claims as examined. Therefore, this Amendment should allow for immediate action by the Examiner.

Furthermore, Applicant respectfully points out that the final action by the Examiner presented some new arguments as to the application of the art against Applicant's invention. It is respectfully submitted that the entering of the Amendment would allow the Applicant to reply to the final rejections and place the application in condition for allowance.

Finally, Applicant submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

In view of the foregoing remarks, Applicant submits that this claimed invention, as amended, is neither anticipated nor rendered obvious in view of the prior art references cited against this application. Applicant therefore requests the entry of this Amendment, the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account 06-0916.

Respectfully submitted,

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